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REMARKS

Applicants appreciate the thorough examination of the present application, as evidenced by the non-final Official Action mailed March 26, 2003. The Official Action rejects independent Claim 59 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More particularly, the Official Action alleges that the phrase "computational entity being executed by a processor" is unclear. The Official Action also provisionally rejects all of the pending claims, namely Claims 1-59, under the judicially created doctrine of obviousness-type double patenting in view of Claims 1-59 co-pending U.S. Patent Application No. 10/141,935. In addition, the Official Action rejects Claims 1-57 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,948,040 to DeLorme et al. Further, the Official Action rejects Claims 58-59 under 35 U.S.C. § 103(a) as being unpatentable over the DeLorme patent, in view of a press release entitled: *ICL Nets Contract for Birmingham Transit Info System* (hereinafter referred to as the "Press Release").

In response to the Official Action, Applicants have amended independent Claim 59 to recite a memory for storing software capable of being executed by a computer, where the software includes a number of subsystems. Applicants have also amended independent Claims 1, 20 and 39 to further define the claimed invention, as explained below. In addition, Applicants have amended dependent Claims 5, 6 and 58 to correct an inadvertent typographical error. As also explained below, however, Applicants have not amended Claims 58 and 59 in view of the Official Action. In this regard, Applicants respectfully submit that independent Claims 58 and 59 are patentably distinct from the cited references, and as such, Applicants traverse the rejections of such claims. With respect to the provisional obviousness-type double patenting rejection, Applicants note that, at such time as the provisional rejection matures into an obviousness-type double patenting rejection with the issuance of the present application or the '935 application, Applicants will respond accordingly, such as by filing a Terminal Disclaimer.

The DeLorme patent discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process, whereby the users plan, revise or edit travel plans. The users can also preview alternate routes between a set travel origin

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and travel destination, select points of interest, and compare times and costs of transportation options such that the users can achieve a final travel plan. The DeLorme system allows a user to construct a highly selective travel route between the travel origin and travel destination, with user-selected waypoints of interest along the route. In this regard, the DeLorme system provides for changing the travel route including the transportation routes, waypoints, and objects or points of interest. Col. 7, lines 25-30.

Amended independent Claims 1, 20 and 39 recite a data processing system, computer-readable medium and method for processing travel requests using a travel database. The system includes a memory including program instructions, and a processor operating responsive to the program instructions. In this regard, the processor operates responsive to the instructions to receive a travel goal specifying a destination location and an appointment time for arrival at the destination location. For example, the method may include receiving a travel goal specifying that the user wishes to arrive at 123 Main St., New York at three o'clock in the afternoon and that he/she is leaving from Washington, D.C. The processor also operates to access the travel database to locate travel information corresponding to the destination location and the appointment time. Then, the processor determines an arrival time at an intermediate point (e.g., LaGuardia Airport in New York) within a vicinity of the destination location using the located travel information that allows time for traveling between the intermediate point and the destination location to ensure arrival at the destination location (e.g., 123 Main St., New York) by the appointment time (e.g., three o'clock in the afternoon). And as amended, the processor also operates to determine recommended modes of transportation between the intermediate point and the destination location based upon the travel goal.

In contrast to the claimed invention of amended independent Claims 1, 20 and 39, the DeLorme patent does not teach or suggest determining an arrival time at an intermediate point within a vicinity of the destination location using the located travel information that allows time for traveling between the intermediate point and the destination location to ensure arrival at the destination location by the appointment time. In addition, the DeLorme patent does not teach or suggest determining at least one mode of transportation between the intermediate point and the destination location based upon the travel goal.

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The DeLorme patent discloses travel reservation information and planning system that can include specifying an appointment time and destination location (Grandmother's birthday party). The DeLorme patent further discloses specifying a starting location, as well as a number of waypoints along a route between the starting location and the destination location. The DeLorme patent does not disclose, however, determining an arrival time at any waypoint to allow time for traveling between the waypoint and the destination location to ensure arrival at the destination location by the appointment time. Even if a user of the DeLorme system were required to consider the time required to travel between a waypoint and the destination location to ensure arrival at the destination location by the appointment time, nowhere does the DeLorme patent teach or suggest that an arrival time at a waypoint is determined to account for such travel time between the waypoint and the destination location.

As disclosed by the DeLorme patent, for example, a user can plan one or more events of interest (EOIs) in addition to a primary EOI (e.g., John Jones's grandmother's birthday party). In scheduling the EOIs within the user's itinerary, the system enters only those candidate EOIs to the user that are within a given travel window for a trip, and that do not have a "Same Time" conflict with the primary EOI. Col. 55, lines 8. In this regard, in determining different destinations in a trip itinerary, the only time or time frame considered by the DeLorme system is the actual appointment time. Nowhere does the DeLorme patent teach or suggest that the system determines an arrival time at a waypoint or an EOI to allow time for traveling between the waypoint and the destination location to ensure arrival at the destination location (primary EOI) by the appointment time, as recited by amended independent Claims 1, 20 and 39. Further, in Examiner's Reasons for Allowance in a previously issued Notice of Allowance for the present application, the Examiner correctly noted that the DeLorme patent does not anticipate or render obvious the recitation that the claimed invention "determine[es] an arrival time within a vicinity of the destination location that allows time for traveling between the intermediate point and the destination location to ensure arrival at the destination location by the appointment time." Notice of Allowability, Paper 10 (May 18, 2001).

In spite of the Examiner's Reasons for Allowance, the Official Action alleges that the DeLorme patent discloses using a time frame to determine an arrival time at a destination

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location by an appointment time. To illustrate the teachings of the DeLorme patent, the Official Action explains that the DeLorme patent discloses a scenario in which a traveler, John Jones, desires to attend his grandmother's birthday party at a given location and time. The Official Action alleges that building an optimizing a trip for a John would inherently include considering the time required to travel between the grandmother's party location and the nearest waypoint comprising an air terminal, bus station or train station. Applicants respectfully submit, however, that it is not inherent in the system disclosed by the DeLorme patent to determine the time required to travel between a destination location and the nearest waypoint (air terminal, bus station or train station) to allow time for traveling between the intermediate point and the destination location to ensure arrival at the destination location by the appointment time.

For purposes of illustration, presume that the DeLorme system determines an arrival time of a flight to an airport comprising a waypoint to a destination location, as alleged by the Official Action. Even in such circumstances, the DeLorme system does not inherently determine the arrival time of the flight to allow time for traveling between the airport and the destination location to ensure arrival at the destination location by the appointment time. In this regard, to ensure the traveler arrives at the destination location by the appointment time, the DeLorme system could just as easily determine the departure time from the intermediate location (e.g., airport) to the destination location to ensure arrival at the destination location by the appointment time. In fact, it could be asserted that systems such as the DeLorme system are more likely to inherently determine the departure time than the arrival time since, as between the intermediate location and the destination location, it is the departure time from the intermediate location and travel time between the intermediate and destination locations that more readily dictate when the traveler arrives at the destination location, not the arrival time at the intermediate location as is recited in the claims. As such, Applicants respectfully submit that the DeLorme patent does not inherently disclose determining an arrival time at an intermediate point within a vicinity of the destination location using the located travel information that allows time for traveling between the intermediate point and the destination location to ensure arrival at the destination location by the appointment time, as recited by amended independent Claims 1, 20 and 39.

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Not only does the DeLorme patent does not teach or suggest determining an arrival time, as recited by amended independent Claims 1, 20 and 39, the DeLorme patent does not teach or suggest determining at least one mode of transportation between the intermediate point and the destination location based upon a travel goal specifying a destination location and an appointment time for arrival at the destination location, as also recited by amended independent Claims 1, 20 and 39. As indicated above, the DeLorme patent discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process, whereby the users plan, revise or edit travel plans. The DeLorme system allows users to create alternate travel plans by altering, for example, specified starting and destination locations, waypoints, and modes of transportation. In each instance of creating a travel plan, however, the user of the DeLorme system inputs a mode of transportation, as opposed to the system determining modes of transportation, as recited by amended independent Claims 1, 20 and 39. The DeLorme system is capable of presenting the alternate travel plans to the user such that the user can compare cost and availability of alternate modes of transportation. Col. 30, lines 20-22. Even interpreting the DeLorme system as facilitating a user selecting a mode of transportation based upon the cost and availability of alternate modes of transportation, the DeLorme system does not determine at least one mode of transportation based upon a travel goal including a destination location and appointment time, as recited by amended independent Claims 1, 20 and 39. Instead, the mode of transportation is selected by the user of the Delorme system, not the Delorme system itself. The Delorme system merely provides answers to the user's input questions regarding different modes of transportation. It is up to the user to select the mode of transportation, not the Delorme system.

It might be argued that it would be obvious from this teaching to modify the Delorme system to do the selection for the user. Applicants disagree with such an assertion. If it was obvious, then why was this not thought of by the inventors of the Delorme system? They are clearly "ones skilled in the art," and they did not think to modify their system to determine a mode of transportation for the user. In this light, Applicants argue that the Delorme patent proves the point that this recitation of amended independent Claims 1, 20 and 39 is non-obvious and that the Delorme patent cannot be used to sustain such an obviousness argument.

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Applicants therefore respectfully submit that the claimed invention of amended independent Claims 1, 20 and 39 is patentably distinct from the DeLorme patent. And as dependent Claims 2-19, 21-38 and 40-57 each depend, directly or indirectly, from independent Claims 1, 20 and 39, respectively, Applicants respectfully submit that dependent Claims 2-19, 21-38 and 40-57 are also patentably distinct from the DeLorme patent for at least the same reasons given above with respect to independent Claims 1, 20 and 39. As such, Applicants respectfully submit that the rejection of Claims 1-57 is overcome.

In addition to rejecting Claims 1-57, the Official Action rejected independent Claims 58-59 as being unpatentable over the DeLorme patent, in view of the Press Release. As recited, Claims 58 and 59 recite a method for processing travel requests and a memory, respectively. The method of Claim 58 includes the steps of receiving a travel goal including a destination location and an appointment time, and recommending a plurality of travel options and recommending a plurality of secondary modes of transportation based on the travel goal to ensure arrival at the destination location by the appointment time. The method also includes invoking a transportation decision system to select one of the plurality of travel options and one of the secondary modes of ground transportation based on the recommended travel options and the recommended secondary ground transportation. A determination is made whether an overnight stay is required, and when it is determined that an overnight stay is required, a hotel decision support system is invoked to select a hotel. The method also includes invoking an activity and restaurant decision support system to select activities and restaurants in a vicinity of the destination location.

As recited, independent Claim 59 recites a memory for storing software capable of being executed by a computer, the software includes a travel goal subsystem adapted to receive a travel goal including a destination location and appointment time. The software also includes a transportation subsystem that has instructions to select modes and times of transportation based on the travel goal, and a hotel subsystem that has instructions to select hotels in a vicinity of a destination site. In addition, the software includes an activity and restaurant subsystem having instructions to select activities or restaurants near a destination site, and a ground transportation

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subsystem having instructions to recommend one or more modes of ground transportation to a destination site.

As explained above with respect to independent Claims 1, 20 and 39, the DeLorme patent does not teach or suggest determining at least one mode of transportation between the intermediate point and the destination location based upon a travel goal. For the same reasons as above, and as conceded by the Official Action, the DeLorme patent also does not teach or suggest recommending a plurality of secondary modes of transportation based on the travel goal, as recited by independent Claim 58. Likewise, the DeLorme patent does not teach or suggest a transportation subsystem that has instructions to select modes and times of transportation based on a travel goal, as recited by independent Claim 59, as also conceded by the Official Action.

Although the DeLorme patent does not teach or suggest recommending a plurality of secondary modes of transportation, or selecting modes and times of transportation, based upon a travel goal, the Official Action alleges that the Press Release discloses these features. The Official Action continues by alleging that it would have been obvious to one skilled in the art to modify the DeLorme system to recommend modes of transportation. Applicants respectfully submit, however, that neither the DeLorme patent nor the Press Release teach or suggest, individually or in combination, recommending a plurality of second modes of transportation to ensure arrival at the destination location by the appointment time, as recited by independent Claim 58; or select modes and times of transportation based on a travel goal, as recited by independent Claim 59.

The Press Release discloses a real-time travel information service being developed for the Birmingham transit network. As disclosed, the system will be capable of providing real-time bus scheduling information, and will also recommend alternative transportation modes and routes to passengers. In addition, the system will also provide information regarding bus positions along specified routes, including expected arrival times. Further, the system will provide information about expected delays, special events and fares.

In contrast to independent Claim 58, the Press Release does not teach or suggest recommending a plurality of second modes of transportation based on a travel goal to ensure arrival at a destination location by an appointment time. As explained above, the Press Release

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indicates that the travel information service will be capable of recommending alternative transportation modes. The Press Release does not disclose, however, on what basis the travel information service will make its recommendations. Based upon the remainder of the Press Release, it could be suggested that the travel information service recommends alternative modes of transportation based upon the information provided by the system. Even in such an instance, however, the Press Release does not teach or suggest recommending a plurality of second modes of transportation based on a travel goal to ensure arrival at a destination location by an appointment time, as recited by independent Claim 58.

In contrast to independent Claim 59, the Press Release does not teach or suggest selecting modes and times of transportation based upon a travel goal. Similar to that explained above with respect to independent Claim 58, the Press Release does disclose recommending alternative transportation modes. The Press Release does not teach or suggest, however, recommending or selecting modes of transportation based on a travel goal. Further, the Press Release does not teach or suggest selecting times of transportation based upon a travel goal. As indicated above, the Press Release does disclose information regarding bus positions along specified routes, expected arrival times, expected delays, special events and fares. In contrast to independent Claim 59, none of the information provided by the disclosed system of the Press Release, relates to times of transportation. It could be suggested that bus scheduling information constitutes times of transportation. Even if bus scheduling information does constitute times of transportation, however, the Press Release does not teach or suggest providing bus scheduling information based upon a travel goal.

Applicants therefore respectfully submit that the claimed invention of independent Claims 58 and 59 is patentably distinct from the DeLorme patent and the Press Release, taken individually or in combination. As such, for at least the reasons given above, Applicants respectfully submit that the rejection of Claims 58-59 is overcome.

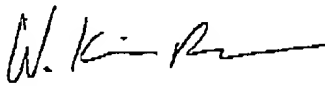
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CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



W. Kevin Ransom
Registration No. 45,031

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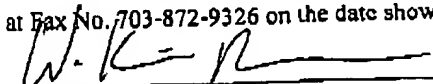
GROUP 3600

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

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